

SENATE BILL No. 397

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3.

Synopsis: Liquor sales. Allows the alcohol and tobacco commission (commission) to issue a liquor dealer's permit only to a package liquor store. (Current law allows the commission to issue a liquor dealer's permit to a drug store or a package liquor store.) Provides that the holder of a liquor dealer's permit who: (1) held a liquor dealer's permit before July 1, 2015; and (2) is the proprietor of a drugstore who holds a license issued by the state board of pharmacy; may continue to hold the permit until the permit expires. Provides that the permit: (1) may not be renewed; and (2) may only be transferred to an applicant who is a proprietor of a package liquor store. Makes conforming changes to the liquor dealer's permit quota restrictions. Repeals provisions superseded by this bill.

Effective: July 1, 2015.

Miller Pete

January 12, 2015, read first time and referred to Committee on Public Policy.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 397

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-10-2 IS REPEALED [EFFECTIVE JULY 1,
2 2015]. ~~Sec. 2: Drug Stores. The commission may issue a liquor dealer's~~
3 ~~permit to the proprietor of a drug store who holds a license issued by~~
4 ~~the state board of pharmacy. An applicant for a liquor dealer's permit~~
5 ~~for a drug store shall not be disqualified under IC 1971, 7.1-3-4-2(m).~~
6 SECTION 2. IC 7.1-3-10-3 IS REPEALED [EFFECTIVE JULY 1,
7 2015]. ~~Sec. 3: The commission may issue a liquor dealer's permit to a~~
8 ~~drugstore situated outside the corporate limits of a city or town if the~~
9 ~~proprietor of the drugstore holds a license issued by the state board of~~
10 ~~pharmacy. The permit authorized by this section shall be issued in the~~
11 ~~same manner; and subject to the same restrictions; as that which is~~
12 ~~provided for in the issuance of a liquor dealer's permit to a drugstore~~
13 ~~situated inside the corporate limits of a city or town.~~
14 SECTION 3. IC 7.1-3-10-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The holder of a
16 liquor dealer's permit shall be entitled to purchase liquor only from a



1 permittee entitled to sell to a liquor dealer under this title.

2 (b) A liquor dealer shall be entitled to possess liquor and sell it at
3 retail in its original package to a customer only for consumption off the
4 licensed premises.

5 (c) A liquor dealer may deliver liquor only in permissible containers
6 to a customer's residence or office in a quantity that does not exceed
7 twelve (12) quarts at any one (1) time. However, a liquor dealer who
8 is licensed under IC 7.1-3-10-4 may deliver liquor in permissible
9 containers to a customer's residence, office, or designated location.
10 This delivery may only be performed by the permit holder or an
11 employee who holds an employee permit. The permit holder shall
12 maintain a written record of each delivery for at least one (1) year that
13 shows the customer's name, location of delivery, and quantity sold.

14 (d) **Except as provided in section 14(b) of this chapter,** a liquor
15 dealer may not sell or deliver alcoholic beverages or any other item
16 through a window in the licensed premises to a patron who is outside
17 the licensed premises. ~~However, a liquor dealer that is a drug store may~~
18 ~~sell prescription drugs and health and beauty aids through a window in~~
19 ~~the licensed premises to a patron who is outside the licensed premises.~~

20 SECTION 4. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2015]: **Sec. 14. (a) Notwithstanding section 4 of this chapter, the**
23 **holder of a liquor dealer's permit who:**

24 **(1) held a liquor dealer's permit before July 1, 2015; and**

25 **(2) is the proprietor of a drugstore who holds a license issued**
26 **by the state board of pharmacy;**

27 **may continue to hold the liquor dealer's permit until the permit**
28 **expires.**

29 **(b) A liquor dealer that is a drugstore described in subsection**
30 **(a) may sell prescription drugs and health and beauty aids through**
31 **a window in the licensed premises to a patron who is outside the**
32 **licensed premises.**

33 **(c) The commission may not renew a liquor dealer's permit for**
34 **a holder of a liquor dealer's permit described in subsection (a).**

35 **(d) The commission may transfer ownership of a liquor dealer's**
36 **permit described in subsection (a) only to an applicant who is the**
37 **proprietor of a package liquor store.**

38 SECTION 5. IC 7.1-3-22-4, AS AMENDED BY P.L.94-2008,
39 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: **Sec. 4. (a) The commission may grant:**

41 **(1) in an incorporated city or town that has a population of less**
42 **than fifteen thousand one (15,001):**



1 (A) one (1) beer dealer's permit for each two thousand (2,000)
 2 persons, or a fraction thereof; or
 3 (B) two (2) beer dealer's permits;
 4 whichever is greater, within the incorporated city or town;
 5 (2) in an incorporated city or town that has a population of more
 6 than fifteen thousand (15,000) but less than eighty thousand
 7 (80,000):
 8 (A) one (1) beer dealer's permit for each three thousand five
 9 hundred (3,500) persons, or a fraction thereof; or
 10 (B) eight (8) beer dealer's permits;
 11 whichever is greater, within the incorporated city or town; and
 12 (3) in an incorporated city or town that has a population of at least
 13 eighty thousand (80,000):
 14 (A) one (1) beer dealer's permit for each six thousand (6,000)
 15 persons, or a fraction thereof; or
 16 (B) twenty-three (23) beer dealer's permits;
 17 whichever is greater, within the incorporated city or town.
 18 ~~(b) The commission may grant:~~
 19 ~~(1) in an incorporated city or town that has a population of less~~
 20 ~~than fifteen thousand one (15,001):~~
 21 ~~(A) one (1) liquor dealer's permit for each two thousand~~
 22 ~~(2,000) persons, or a fraction thereof; or~~
 23 ~~(B) two (2) liquor dealer's permit;~~
 24 ~~whichever is greater, within the incorporated city or town;~~
 25 ~~(2) in an incorporated city or town that has a population of more~~
 26 ~~than fifteen thousand (15,000) but less than eighty thousand~~
 27 ~~(80,000):~~
 28 ~~(A) one (1) liquor dealer's permit for each three thousand five~~
 29 ~~hundred (3,500) persons, or a fraction thereof; or~~
 30 ~~(B) eight (8) liquor dealer's permits;~~
 31 ~~whichever is greater, within the incorporated city or town; and~~
 32 ~~(3) in an incorporated city or town that has a population of at least~~
 33 ~~eighty thousand (80,000):~~
 34 ~~(A) one (1) liquor dealer's permit for each six thousand (6,000)~~
 35 ~~persons, or a fraction thereof; or~~
 36 ~~(B) twenty-three (23) liquor dealer's permits;~~
 37 ~~whichever is greater, within the incorporated city or town.~~
 38 ~~(c) (b) The commission may grant in an area in the county outside~~
 39 ~~an incorporated city or town:~~
 40 (1) one (1) beer dealer's permit for each two thousand five
 41 hundred (2,500) persons, or a fraction thereof, or two (2) beer
 42 dealer's permits, whichever is greater; and



(2) one (1) liquor dealer's permits for each two thousand five hundred (2,500) persons, or a fraction thereof, or two (2) liquor dealer's permits, whichever is greater;
within the area in a county outside an incorporated city or town.

~~(d)~~ (c) Notwithstanding subsections (a) ~~and~~ (b), ~~and~~ ~~(c)~~, the commission may renew or transfer a beer dealer's ~~or liquor dealer's~~ permit for a beer dealer ~~or liquor dealer~~ that:

(1) held a permit before July 1, 2008; and

(2) does not qualify for a permit under the quota restrictions set forth in subsection (a) ~~or~~ (b). ~~or~~ ~~(c)~~.

~~(e)~~ (d) Notwithstanding subsection (a) or ~~(c)~~, (b), the commission may grant not more than two (2) new beer dealer's permits or five percent (5%) of the total beer dealer permits established under the quota restrictions set forth in subsection (a) or ~~(c)~~, (b), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (a).

(2) An area in a county outside an incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection ~~(c)~~: (b).

~~(f)~~ (e) Notwithstanding subsection (b), ~~or~~ ~~(c)~~, the commission may grant not more than two (2) new liquor dealer's permits or five percent (5%) of the total liquor dealer permits established under the quota restrictions set forth in subsection (b), ~~or~~ ~~(c)~~, ~~whichever is greater~~; for each of the following:

~~(1) An incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (b):~~

~~(2) an area in a county outside an incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection~~ ~~(c)~~: (b).

